

REMARKS

Entry of the foregoing, reexamination and reconsideration of the application identified in caption, as amended, pursuant to and consistent with 37 C.F.R. §1.111 and in light of the remarks which follow, are respectfully requested.

In the Amendment, claim 1 has been amended to further recite that the first portion and the second portion respectively are a linearly distal portion and a linearly proximate portion of the wrapper with respect to an end of the wrapper. This amendment is supported by the specification, for example, paragraph [0048]. Claim 21 has been amended in view of the amendment to claim 1. Claims 3-9, 11-16, 18-20, 22-30, 33, 34, 36, 38, 41-46, 48-52, 54-61, 65-72 and 75-78 were previously canceled. No new matter has been added.

Upon entry of the Amendment, claims 1, 2, 10, 17, 21, 31, 32, 35, 37, 39, 40, 47, 53, 62-64, 73, 74 and 79-81 will be all the claims pending in the application.

I. Response to Rejections under 35 U.S.C. §§102 and 103

a. Claims 1, 2 and 17 were rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent Application Publication No. 2002/0062834 to Snaidr et al. ("Snaidr").

b. Claim 10 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Snaidr in view of U.S. Patent No. 3,636,027 to Smith ("Smith").

c. Claim 21 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Snaidr.

Specifically, the Official Action alleges that:

Regarding claim 1, Snaidr discloses a smoking article comprising: a tobacco rod (54, fig. 6) having a

wrapper (10, fig. 6) formed around the tobacco rod, the wrapper including a patterned (18, fig. 6) deposit on at least a portion of one surface of the wrapper, wherein the pattern [sic] deposit comprises catalyst particles [sic] of catalyzing, oxidizing and/or reducing the conversion of a constituent gas component in the mainstream and/or sidestream smoke of the smoking article (abstract and paragraph 57). (Final Official Action at page 2).

Claim 1 recites a smoking article comprising: a tobacco rod having a wrapper formed around the tobacco rod, the wrapper including a patterned deposit on at least a portion of one surface of the wrapper. The patterned deposit comprises catalyst particles capable of catalyzing, oxidizing and/or reducing the conversion of a constituent gas component in the mainstream and/or sidestream smoke of the smoking article. The patterned deposit includes a concentration gradient of the catalyst between a first portion having a low concentration feature and a second portion having a high concentration feature. The first portion and the second portion respectively are a linearly distal portion and a linearly proximate portion of the wrapper with respect to an end of the wrapper.

Snaidr discloses a low sidestream smoke cigarette including a combustible treatment paper having a sidestream smoke treatment composition including an oxygen storage and donor metal oxide oxidation catalyst (Abstract). The sidestream smoke treatment composition may be applied to one or both sides of cigarette paper to virtually eliminate sidestream smoke (paragraphs [0065] and [0072]). However, Snaidr fails to disclose a patterned deposit or a patterned deposit including a concentration gradient of the catalyst between a first portion having a low concentration feature and a second portion having a high concentration feature.

To anticipate a claim, the applied reference must disclose all features of the claim. In addition, "unless a reference discloses within the four corners of the document not only all of the limitations claimed but also all of the limitations arranged or combined in the same way as recited in the claim, it cannot be said to prove prior invention of the thing claimed and, thus, cannot anticipate under 35 U.S.C. §102" (Emphasis Added). *Net MoneyIN, Inc. v. Verisign, Inc.*, 545 F.3d 1359 (Fed. Cir. 2008).

Claim 1 is not anticipated by Snaidr at least because Snaidr fails to disclose a patterned deposit let alone a patterned deposit including a concentration gradient of the catalyst between a first portion having a low concentration feature and a second portion having a high concentration feature, as defined therein. Instead, Snaidr discloses in paragraph [0052] that various gradient layers of zeolite composition where the cerium or other suitable catalyst is dispersed throughout these layers may be bound on cigarette payer for the tobacco rod. Snaidr fails to disclose that the composition is deposited in an specific pattern with any concentration gradient as recited in present Claim 1. As such, Claim 1 is not anticipated by Snaidr.

Smith is cited against Claim 10 merely as disclosing a catalyst system self supported or deposited on a support or carrier. As Smith does not rectify the above noted deficiencies of Snaidr, the combination of Snaidr and Smith still would not result in the subject matter of the present claims.

In view of the foregoing, Applicants respectfully submit that Claim 1 as well as dependent Claims 2, 10, 17 and 21 are patentable over Snaidr, alone or in combination with Smith, and thus the rejections should be withdrawn.

II. Conclusion

In view of the foregoing, it is submitted that all claims are in condition for allowance. Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application, the undersigned respectfully requests that she be contacted at the number indicated below.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: December 22, 2010 By: _____


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